



3RD JUDICIAL DISTRICT COURT
DONA ANA COUNTY NM
FILED IN MY OFFICE
8/23/2016 4:53:07 PM
CLAUDE BOWMAN
Paloma Nave

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT

SONIA HOLGUIN,

Plaintiff,

V.

NO. D-307-CV-2016-01996
Beyer, Marci

FARMERS INSURANCE COMPANY
OF ARIZONA,

Defendant.

PLAINTIFF'S COMPLAINT FOR BREACH OF CONTRACT

COMES NOW, SONIA HOLGUIN, Plaintiff herein, and for her Complaint states as follows:

1. SONIA HOLGUIN, Plaintiff, is and was at all relevant times herein a resident of Berino, County of Dona Ana, State of New Mexico.
2. FARMERS INSURANCE COMPANY OF ARIZONA, Defendant, is a corporation duly licensed business in the State of New Mexico and may be served with process by serving its registered agent; Office of Superintendent of Insurance, Attn: Rose Anne or Service of Process, P.O. Box 1689, Santa Fe, New Mexico 87504-1689.

Venue

3. The events stated in this Complaint occurred within the County of Dona Ana, New Mexico.

5. Plaintiff last saw her truck on October 20, 2015, when she drove the truck from her home to her mother's house and left the vehicle overnight.

6. Plaintiff had recently returned from MEXICO and left the vehicle at her residence while she was in Mexico. Upon her return to the United States, she went to her mother's and drove the vehicle to her mother's home located at 2864/2880 Nanez Road, Anthony, New Mexico.

7. Plaintiff's husband joined her at Plaintiff's mother home, where they decided to go to the movies and Plaintiff and her family went to the movies in her husband's Jeep, and Plaintiff left the vehicle overnight at her mother's home.

8. Plaintiff's sister text her the morning of October 21, 2015, inquiring if Plaintiff took the vehicle home with her.

9. Plaintiff notified the law enforcement authority of her stolen vehicle.

Breach Of Contract

10. Plaintiff brings this action for breach of contract against Defendant, FARMERS INSURANCE, in that Plaintiff and Defendant entered into a written contract. Defendant issued a policy that contains coverage for payment of loss, including theft, and it was in full effect on the date Plaintiff's vehicle was stolen that made the basis for the claim.

11. Plaintiff is a person insured by such coverage and while such insurance coverage was in effect, Plaintiff sustained property damage/loss, and loss of use of her vehicle.

12. Plaintiff has complied with all terms of policy as condition precedent to bringing this suit.

Attorney's Fees

14. Plaintiff seeks all reasonable and necessary attorney fees in this case which include the following:

- a. preparation for trial of this lawsuit;
- b. post-trial, pre-appeal legal services;
- c. an appeal to the Court of Appeals;
- d. making and responding to an Application for Writ of Error to the Supreme Court of New Mexico;
- e. an appeal to the Supreme Court of New Mexico in the event an Application for Writ of Error is granted; and
- f. post judgment discovery and collection in the event execution on the judgment is necessary.

Damages

15. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, SONIA HOLGUIN incurred the following damages:

- (a) The loss of use of her 2014 Ford F250 pickup truck vehicle since October 21, 2015 to the present;
- (b) The value of her 2014 Ford F250 pickup truck vehicle;
- (c) Exemplary damages pursuant to the common law bad faith claim; and
- (d) Attorney's fees and costs.

16. Jury Request -- Plaintiff requests a trial by jury.

WHEREFORE, Plaintiff respectfully requests:

1. Judgment in the amount to be proven at trial;
2. Prejudgment and post judgment interest at the legal rate on all amounts awarded; and

Respectfully submitted,
11601 Pellicano Dr #A-5
El Paso, Texas 79936
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/s/ Jonathan H. Huerta
Jonathan H. Huerta
NM State Bar No. 24715

Attorney for Plaintiff



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Farmers Insurance Company of AZ
Legal Division - Doren Hohl
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EXHIBIT A-1